

Filed in Open Court

STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

IN THE LAKE COUNTY SUPERIOR COURT

AVC NO. 01-0167

OCT 09 2001

Anna M. Anton
CLERK LAKE SUPERIOR COURT

IN RE: WEBB FORD, INC.)

MISCELLANEOUS DOCKET

Respondent.)

NO. 450100110M100031

ASSURANCE OF VOLUNTARY COMPLIANCE

The State of Indiana, by Attorney General Steve Carter and Deputy Attorney General Terry Tolliver, and Respondent, Webb Ford, Inc., enter into this Assurance of Voluntary Compliance ("Assurance"), pursuant to Indiana Code §24-5-0.5-7.

It is acknowledged that this Assurance is not to be construed as an admission of any deceptive act by the Respondent for any purpose. It is further acknowledged that violation of this Assurance constitutes prima facie evidence of a deceptive act as defined by Ind. Code §24-5-0.5-3; provided, however, that any such violation shall not constitute a "deceptive act" which gives rise to any cause of action under Ind. Code §24-5-0.5-4(a) or (b). It is furthermore acknowledged that execution of this Assurance shall not constitute a waiver of affirmative defenses available to the Respondent under Ind. Code §24-5-0.5-3(d). . This Assurance is entered into without any adjudication of any issue of fact or law herein, and upon consent of the parties hereto.

It is hereby agreed that:

1. Respondent, Webb Ford, Inc., is an Indiana corporation engaged in the sale of used automobiles, with a principal place of business at 9809 Indianapolis Blvd., Highland, Indiana, 46322, and transacts business with Indiana consumers.
2. The terms of this Assurance apply to and are binding upon Respondent, its employees, agents, representatives, successors, and assigns.

3. Respondent acknowledges the jurisdiction of the Consumer Protection Division of the Office of the Attorney General to investigate matters hereinafter described, pursuant to the authority of Ind. Code §4-6-9-4 and Ind. Code §24-5-0.5-1 *et seq.*

4. Respondent will refrain from making and shall not make, cause to be made, or permit to be made, expressly or by implication, any representation that it can deliver title within a stated time frame when Respondent knows or should reasonably know it cannot. If no time is stated, there is a presumption that Respondent will deliver title within a reasonable time according to the course of dealing or usage of the trade, including but not limited to, the title delivery provisions of Ind. Code § 9-17-3-3.

5. For purposes hereof “the time of sale or delivery” and “the date of sale” shall mean the date of the original contract, notwithstanding the title delivery requirements of Ind. Code § 9-17-3-3. Respondent will immediately comply with all provisions of Ind. Code §9-17-3-3, including but not limited to:

- a. endorsing the certificate of title for a vehicle that is sold or has ownership transferred by Respondent;
- b. delivering the endorsed certificate of title to the purchaser or transferee at the time of sale or delivery;
- c. if the conditions under Ind. Code §9-17-3-3(a)(4)(A-E) are met, delivering the endorsed certificate of title to the purchaser or transferee within twenty-one (21) days after the date of sale.

6. Respondent will immediately comply with all provisions of Ind. Code §9-18-26-10 and 140 IAC 3.5-2-15, including but not limited to, issuing no more than one interim license plate to a motor vehicle purchaser.

7. Upon execution of this Assurance, Respondent shall pay consumer restitution in the amount of One Hundred Dollars (\$100.00) to the Office of the Attorney General on behalf of Guy and Patricia Schiola, 10809 West 151 Street, Cedar Lake, Indiana, 46303.

8. Upon execution of this Assurance, Respondent shall pay Five Hundred Dollars (\$500.00) to the Office of the Attorney General for its costs of investigation.
9. Respondent agrees that private individuals retain all rights to any private cause of action they may have.
10. This Assurance does not constitute an approval by the Attorney General of any of Respondent's past or future business practices, and Respondent shall not make any representations to the contrary.
11. Respondent agrees to cooperate with the Office of the Attorney General in the resolution of any future written complaints the Consumer Protection Division receives.
12. The Office of the Attorney General shall file this Assurance with a court of competent jurisdiction in Lake County.

Dated this 2 day of October, 2001.

STATE OF INDIANA

RESPONDENT

STEVE CARTER

WEBB FORD, INC.

Indiana Attorney General

By

Terry Tolliver
Terry Tolliver
Deputy Attorney General
Atty. No. 22556-49
Office of Attorney General
402 W. Washington, 5th Floor
Indianapolis, Indiana 46204
Telephone: (317) 233-3300

By

J. Michael Webb
Printed Name J. MICHAEL WEBB
Title PRESIDENT

APPROVED this 9th day of October, 2001.

John R. Pera
Judge, Lake County Superior Court

STATE OF INDIANA) FILED IN IN THE LAKE COUNTY SUPERIOR COURT
COUNTY OF LAKE) CLERK'S OFFICE AVC NO. 01-0167

'01 OCT 5 PM 3 08

IN RE: WEBB FORD, INC.) MISCELLANEOUS DOCKET
ANNA N. ANTON)
CLERK LAKE SUPERIOR COURT) NO. _____
Respondent.)

APPEARANCE BY ATTORNEY IN CIVIL CASE

Party Classification: Initiating

1. The undersigned attorney now appears in this case for the following party: Indiana Attorney General.

2. Applicable attorney information for service as required by Trial Rule 5(B)(2) and for case information as required by Trial Rules 3.1 and 77(B) is as follows:

Name: Terry Tolliver
Atty. No.: 22556-49
Address: Office of the Attorney General
Indiana Government Center South
402 W. Washington Street, 5th Floor
Indianapolis, Indiana 46204
Phone: (317) 233-3300
Fax: (317) 233-4393
Computer Address: ttolliver@atg.state.in.us

3. There are other party members: Yes ☐ No ☒

4. *If first initiating party filing this case*, the Clerk is requested to assign this case the following Case Type under Administrative Rule 8(b)(3): Miscellaneous

5. I will accept service by FAX at the above noted number: Yes ☐ No ☒

CCS ENTRY FORM

LAKE COUNTY CIRCUIT/SUPERIOR COURT

FILED IN
CLERK'S OFFICE
File Stamp Here

CAUSE NO.:

45D100110M100031

'01 OCT 5 PM 3 08

CAPTION: In Re: Webb Ford, Inc.
AVC No. 01-0167

ANNA N. ANTON
CLERK LAKE SUPERIOR COURT

The activity of the Court should be summarized as follows on the Chronological Case Summary (CCS):

The State of Indiana, by Deputy Attorney General Terry Tolliver, files an Appearance and an Assurance of Voluntary Compliance.

Submitted by:

Opposing Counsel:

Terry Tolliver
Atty. No. 22556-49
402 West Washington Street
Indiana Government Center South, 5th Floor
Indianapolis, IN 46204-2770
Telephone: (317) 233-3300

(TO BE DESIGNATED BY THE COURT)

This CCS Entry Form shall be:

☒ Placed in case filed

☐ Discarded after entry on the CCS

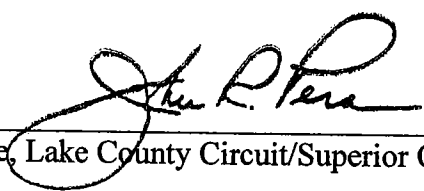
☒ Mailed to all counsel by: _____ Counsel ☒ Clerk _____ Court

☐ There is no attached order; or

The attached order shall be placed in the RJO: Yes ☐ No ☐

DATE **OCT 09 2001**

APPROVED


Judge, Lake County Circuit/Superior Court

RECEIVED
OCT 16 2001